IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Crl.MC.No. 3379 of 2007()

AGAINST THE ORDER IN CMP 2404/07 IN
CMP.2396/2007 of JUDL.MAGISTRATE OF FIRST CLASS COURT, MATTANNUR

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PETITIONER: 1ST ACCUSED:

C.K.SUMESH, S/O. SUDHAKARAN,
ASHIRVAD, KEEZHUR AMSOM, NERAMPOKKE,
KANNANNORE DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT & STATE:

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1. **THE SUB INSPECTOR OF POLICE,**
   IRITTY POLICE STATION, KANNUR.

2. **STATE OF KERALA, REP. BY**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J

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Crl.M.C.No. 3379 of 2007

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Dated this the 7th day of November, 2007

ORDER

The petitioner was the 1st accused in a prosecution under Section 489(B) IPC. He was granted bail subject to conditions. He was directed to execute a bond for Rs.50,000/- with two solvent sureties. The sureties were directed to produce solvency certificates. The petitioner could not come out on bail because of such condition. He thereafter made an application before the learned Magistrate and the learned Magistrate directed to make a cash deposit of Rs.50,000/- each by the sureties instead of producing the solvency certificates. The petitioner has now come out on bail. The petitioner is now willing to comply with the earlier condition however with further directions that he may not be compelled to produce solvency certificate but he may be permitted to produce title deeds.

2. Having considered all the relevant inputs, I am satisfied that an order in favour of the petitioner can be passed subject to conditions.

3. This petition is accordingly allowed. If the sureties were

present and offered in future are able to produce the solvency certificates as originally insisted by the learned Magistrate, the learned Magistrate shall direct that the cash deposit made by the sureties be released to them.

The petition is allowed with the above observations.

(R.BASANT, JUDGE)

sj